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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/721,481
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Total Number of Pages in This Submission	First Named Inventor	Robert P. Arentsen et al.
	Art Unit	3753
	Examiner Name	Craig James Price
	Attorney Docket No.	ITTD-BG101US

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ITTD-BG101US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/721,481  
Applicant: Robert P. Arentsen  
Filed: November 25, 2003  
Title: ISOLATION VALVE WITH ROTATABLE FLANGE  
TC/A.U.: 3753  
Examiner: Craig James Price  
Confirmation No.: 5984  
Docket No.: ITTD-BG101US

REPLY BRIEF

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S I R :

Appellants reassert the arguments presented in their Appeal Brief and will here address some issues raised in the Examiner's Answer (the Answer).

First, the Answer, at page 7, questions whether Appellants are acquiescing in the rejection of claim 23. Appellants are not acquiescing.

Second, the Answer at page 8, proffers an unsubstantiated argument about Appellants' recognition of a deficiency and attempts to redefine the invention. To be clear, Appellants, starting in the parent application filed January 7, 2003 and continuing in the present application, have described and claimed the invention as a group of parts including a valve housing, insert and rotatable flange fitted together to provide a valve assembly that simplifies its coupling and uncoupling to a system. There is no deficiency and nothing is being redefined.

Third, the Answer, at page 8, tries to support the conclusion that the flange is not rotatable after it is assembled with the statement that "the valve housing is not part of the cited paragraph". The cited paragraph referred to is paragraph 24 of the application. The above-quoted statement is incorrect and cannot support the conclusion proffered. Paragraph 24, in part, reads as follows:

"This valve assembly includes valve 98, insert 102, and rotatable flange 106. Valve 98 includes a valve body 100..."

The valve body 100 is, of course, the valve housing recited in the claims.

The Answer postulates that the § 102 rejection of claim 27 "will stand or fall" with the interpretation of the limitation 'assembly'; and that the rejection of claims 22 (and thus 23), 24, and 25 'will stand or fall with the interpretation of the limitation when...assembled'. Appellants understand this to mean that there is agreement that the Rocheleau publication discloses a valve assembly wherein the disclosed flange element 28 is rotatable during assembly, not after assembly. Thus, only the interpretation of the claim requires further comment.

The Answer takes the position that the claims are to be "given the broadest reasonable" interpretation "consistent with the specification (and the dictionary definition given by Appellant)". As pointed out in the Appellant's Brief at pages 13 and 14, the specification and dictionary definition of the word "assembly" makes clear that the valve assembly disclosed is a completed valve assembly ready for use or installation into a hydraulic system. The description of a rotatable flange 106 can only mean that the flange is rotatable after the parts of the assembly have been fitted together, i.e., after the valve assembly is complete.

With this correct understanding of the disclosed subject matter, the claims can be interpreted. Claim 27 is a product claim, not a method claim and it recites: (1) A valve assembly; (2) a quarter turn brake valve mounted in a valve housing; (3) an insert including a body member fixed to the valve housing; and (4) a flange spaced from the valve housing and freely rotatable on the insert. The valve assembly, after its parts have been fitted together, clearly includes a rotatable flange both by the terms of the claim, and the disclosure of the specification. Put another way, any other interpretation of the claim is inconsistent with the specification.

Accordingly, claim 27 requires that the flange is rotatable after the housing and insert have been fitted together. The Rocheleau publication does not disclose the claimed assembly and the § 102 rejection must be withdrawn.

The § 112 rejection of claim 22 (and thus 23), 24 and 25 are clearly addressed in Appellants' Appeal Brief at pages 12-15 and need not be repeated. The § 102 rejection of the claims are clearly addressed in Appellants' Appeal Brief at pages 11 and 12 and need not be repeated.

With respect to the correct interpretation of claims 22-25, the Examiner's Answer at the top of page 9, mischaracterizes one of the definitions of the word "assembly" presented at the top of page 7 of the Appeal Brief. The Answer states:

"The first definition offered by Appellant states that an assembly is the fitting together of manufactured parts".  
(emphasis added)

Here the Answer uses "assembly" as a noun and then relies on its definition when used as a verb; here the Answer ignores its definition when used as a noun. The word "assembly" as used in the specification and claims is as a noun and its definition as a noun is controlling.

To correct the record, the Appeal Brief did not offer a definition of an assembly. The Appeal Brief actually reads:

"...the definition of the word 'assembly' includes '6a: the fitting together of manufactured parts into a complete machine, structure or unit of a machine b: a collection of parts so assembled'".

It is the second definition, the definition applicable to a noun, that is relied on by Appellants.

Claims 22-25 claim an assembly - they are not claims for fitting together a valve assembly. Thus, the phrase "one end of the insert being coupled to the valve housing" (claim 22, line 5) does not mean that the insert is being coupled to the housing - it has been coupled; "a lip formed on the free end of the body member" (claim 22, lines 6 and 7) does not mean that the lip is being formed on the body member - it has been formed; "the lip being spaced from the valve housing when the insert is assembled to the valve housing" (claim 22, lines 7 and 8) does not mean that the insert is being assembled to the valve housing - it has

been assembled; "fastener holes formed in the flange (claim 22, lines 11 and 12) does not mean that holes are being formed in the flange - they have been formed; and similarly,

"WHEN THE INSERT IS ASSEMBLED TO THE VALVE HOUSING"

does not mean that

THE INSERT IS BEING ASSEMBLED TO THE VALVE HOUSING - IT HAS BEEN ASSEMBLED.

The § 103(a) rejection of claims 22 and 27, that "Rocheleau...discloses bolts to preclude movement of the rotatable flange" and that "It would have been obvious to remove the bolts so that the flange remains..." It is submitted that if the Examiner's Answer concedes that the Rocheleau flange is rotatable during assembly not after assembly, this rejection must be reversed because if the bolts are removed, the flange is still not rotatable.

For the reasons set forth in the Appeal Brief and in this Reply Brief, reversal of the final rejection is requested.

Respectfully submitted,



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Robert P. Seitter, Reg. No. 24,856  
Attorney for Appellant

Dated: May 16, 2007

P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700



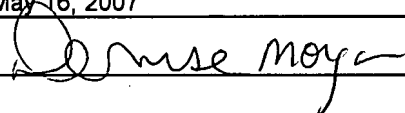
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May 16, 2007

  
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